



Report to the Legislature

Services to Persons with Disabilities who are Discharged or Diverted from State Hospitals or Individuals with Community Protection

Chapter 25, Laws of 2003, E2, Section 205(1)(d)

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Chapter 25, Laws of 2003, E2, Section 205(1)(d) requires the Department of Social and Health Services' Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons served in the community through this section, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients. This proviso is intended to provide community residential supports, therapies and employment/day services to individuals who are discharged or diverted from state psychiatric hospitals and for individuals that qualify for the Community Protection Program.

BACKGROUND

Hospital Discharge

Providing services to individuals with developmental disabilities who are diagnosed with mental illness and/or are otherwise gravely disabled is a long-term state and national issue. Since 1985, the Washington State Legislature has periodically provided funding to enable some developmentally disabled clients to move out of state hospitals when community placement is recommended. Between the periods of August 1996-1998, however, the number of people with developmental disabilities at the state's two psychiatric hospitals grew from 53 to a high of 92.

In January 1999, the Washington Protection and Advocacy System filed a federal class action lawsuit (*Allen v DSHS*) alleging abuse and neglect of individuals with developmental disabilities at Western State Hospital (WSH). It further alleged that individuals were denied opportunities for discharge and community support, and that they were at risk for unnecessary involuntary commitment. A mediated settlement agreement was reached in December 1999. Among the terms of the agreement, the state agreed to request funding from the legislature to implement a 3-phase remedy titled the Division of Developmental Disabilities/Mental Health Division Collaborative Work Plan.

The supplemental budget passed in the 2000 legislative session included \$6,673,000 to fund Phases 1 and 2 of the collaborative work plan. Phase 3 of the work plan proposed to establish involuntary treatment facilities. Phase 3 was not initially funded. The legislature instead required a comprehensive study of long-term treatment alternatives for individuals with developmental disabilities and mental illness. The report's recommendation was to continue to house involuntary treatment clients at the two state psychiatric hospitals.

The legislature authorized funds to the Mental Health Division in the 01-03 to support Phase 3 at the state psychiatric hospitals during the 2001-2003 biennium.

In this current proviso, the legislature appropriated funds to DDD to provide community supports for eleven (11) individuals with developmental disabilities upon their release from state psychiatric hospitals during the 03-05 biennium. These funds provided an average daily rate of \$300.00 per client/per day.

STATUS

DDD has prioritized the use of these proviso funds to serve individuals who have been determined ready for discharge from state psychiatric hospitals in an effort to comply with the *Allen v. WSH*, et al, and the *Smith v DSHS*, et al federal court Settlement Orders.

Hospital Discharge

Hospital Outplacements

The Division of Developmental Disabilities has placed five (5) clients out of the state psychiatric hospitals since July 1, 2003 with an average daily rate of \$287.20. (See attached spreadsheet).

For the quarter July 2003 through September 2003, five clients were placed into Supported Living Services (SL/S) from either Western State Hospital (WSH) or Eastern State Hospital (ESH). Prior to community placement, these individuals received habilitative mental health services at either WSH or ESH as part of the DDD Habilitative Mental Health Unit. These inpatient services included skills building, group and individual counseling services, vocational services, coaching, and highly specialized individual treatment services and planning, including functional assessments and positive behavior support planning. Services at ESH and WSH comply with requirements set forth in the Civil Rights of Institutionalized Persons Act, 42 USC 1997.

JW is a 39-year old man with a diagnosis of Mild Mental Retardation, Substance Abuse Disorder, and Mood Disorder who was admitted to WSH on three separate occasions for competency evaluation and restoration on charges of burglary and assault. JW had previously been incarcerated multiple times and had received court-ordered inpatient drug treatment twice. JW was found incompetent to stand trial and was civilly committed to WSH in June 1999 after having been found to have a high probability of committing dangerous acts in the future. JW has a long history of alcohol and substance abuse and antisocial behavior. JW had been homeless prior to his 1999 admission to WSH. JW was discharged to the Community Protection Program and now resides with a certified community protection provider. He has been referred for vocational services in King County and receives specialized therapies. He obtains his mental health services through a local mental health center.

WM is a 19-year old man with a diagnosis of Moderate Mental Retardation, Intermittent Explosive Disorder and Pedophilia who was admitted to WSH in June 2003 after having assaulted his mother with whom he had resided. He was civilly committed to a local

King County hospital and was transferred to WSH when his family refused to take him home. WM had been receiving 5.5 hours of MPC services per month. Prior to this hospitalization WM was charged with child rape but charges were dismissed when he was found incompetent to stand trial. WM was discharged from WSH in August to a DDD Certified Residential provider where he resides with one other person. He receives on-going mental health services from a local mental health center and attends regularly.

CJ is a 28-year old man with a diagnosis of Mild Mental Retardation, Paraphilia, and Major Depression who was first civilly committed to WSH in July of 1999 after intentionally running his bicycle into a car on a busy highway. In addition to depression, CJ has a history of sexual aggression and because of this, had previously been served in the Community Protection Program (CPP) but decided that he did not like the close supervision and left the program. Soon after his discharge, CJ was readmitted to WSH. While there, he agreed to return to the CPP program and funding was made available through the proviso to do so. He is now receiving 24-hour supports, supervision and monitoring, specialized therapies from a Sex Offender Treatment Professional (SOTP), medication management from the local mental health center in Pierce County, and has been referred for vocational services. CJ was discharged on a 90-day Least Restrictive Alternative (LRA) and must comply with treatment in order to avoid being revoked back to WSH.

JW is a 25-year old man with a diagnosis of Mild Mental Retardation, Mood Disorder and Paraphilia who was admitted to WSH for competency evaluation in 1995 from Child Study and Treatment after being found Not Guilty by Reason of Insanity (NGRI) for two counts of child rape. He was civilly committed in 1996, and was discharged briefly in 1999 but due to property destruction, assault, non-compliance and self-injurious behavior, he was returned to WSH. JW completed treatment and was discharged from WSH in September 2003. JW is now receiving 24-hour supports, supervision and monitoring, specialized therapies from a Sex Offender Treatment Professional (SOTP), medication management from the local mental health center in Pierce County, and has been referred for vocational services. JW was discharged on a 90-day Least Restrictive Alternative (LRA) and must comply with treatment in order to avoid being revoked back to WSH.

CS is a 31-year old man with a diagnosis of Post-Traumatic Stress Disorder stemming from a kidnapping incident in which he was taken at age 10 to another state and was sexually exploited. He was admitted to WSH in February of 2003 after assaulting police and the staff at his Boarding Home. The Boarding Home refused to take CS back. While at WSH, CS was reassessed for DDD eligibility under the ICAP and was initially found not eligible for services. CS's ineligibility determination was appealed and DDD lost the case on appeal. As a result, he was determined DDD eligible and the division was required to provide services. Due to his level of assault, CS was found to be in need of community protection services and now receives supports from a DDD certified community protection provider. He receives mental health services, including

counseling and medications from the local mental health center in Pierce County. He resides with another male housemate.

It is noted here that that there have been 5 admissions to WSH this quarter. Of these 5 admissions, 4 were for competency evaluation under RCW 10.77, and 1 was for civil commitment under RCW 71.05. At ESH, there were 5 admissions, with 2 being for competency evaluation (RCW 10.77) and 3 being for civil commitment (RCW 71.05). It is apparent from the data that Phase 2 services, as designed, are working well to divert civilly committed individuals from the state hospital. The division will continue to monitor these data and watch for trends in this area.

2003-2005
Proviso Tracking OUTPLACEMENT TOTALS
1st Quarter Totals

					Type of Services				Expenditures	
Hospital Outplacements		Previous	Residential	Number of	Residential	Day Services	Other	Therapies	Total	Total Expend.
Region	Client Number	Residence	Start Date	Days in Service	Daily Rate	Daily Rate	Daily Rate	Daily Rate	Daily Expend.	To Date
4	#1-JW	WSH/homeless	07/31/03	62	\$ 263.15	\$ 24.00	\$ -	\$ 11.83	\$ 298.98	\$ 18,536.76
4	#2-WM	WSH/family	08/21/03	41	\$ 241.50	\$ 25.00	\$ 9.86	\$ 14.79	\$ 291.15	\$ 11,937.15
5	#3-CJ	WSH/long-term	08/31/03	31	\$ 244.88	\$ 20.00	\$ -	\$ 15.00	\$ 279.88	\$ 8,676.28
5	#4-JW	WSH/long-term	09/30/03	1	\$ 244.88	\$ 20.00	\$ -	\$ 15.00	\$ 279.88	\$ 279.88
5	#5 CS	WSH/Boarding Home	09/30/03	1	\$ 266.09	\$ 20.00	\$ -	\$ -	\$ 286.09	\$ 286.09
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Average for Hospital Outplacements									\$ 287.20	\$ 39,716.16

Budget notes:
11 total individuals were identified by the state psychaitric hospital as currently ready for discharge